

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
	:	CASE NO: 1:18-CR-109-(2)
v.	:	
	:	JUDGE COLE
SERGHEI VERLAN,	:	
	:	
Defendant.	:	

**PLAINTIFF UNITED STATES OF AMERICA'S
MOTION FOR ORDER TO APPLY MONIES HELD
BY THE FEDERAL BUREAU OF INVESTIGATION
FOR PAYMENT OF RESTITUTION JUDGMENT**

Now comes the United States of America, by and through counsel, and moves this Court for an Order authorizing the Federal Bureau of Investigation to turn over to the United States Clerk of Courts all monies it has in its possession, received from Defendant, Serghei Verlan, to apply to Defendant restitution obligation. The grounds for this motion are more fully set forth in the accompanying Memorandum in Support.

Respectfully submitted,

KENNETH L. PARKER
United States Attorney

s/Bethany J. Hamilton
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MEMORANDUM IN SUPPORT

On December 19, 2022, Defendant Serghei Verlan ("Defendant") plead guilty to the Conspiracy To Participate In Racketeering Activity (Doc. 279). Defendant was sentenced to 72 months imprisonment with credit for time served, beginning September 13, 2018. Defendant was ordered to pay a \$100 special assessment and restitution for the victims in this case in an amount to be determined. Although the final restitution amount has yet to be determined, it is anticipated to be in excess of a million dollars.

Counsel for Plaintiff has been informed that the Federal Bureau of Investigation ("FBI") is in possession of funds which were taken from the Defendant at the time of arrest in the amount of \$3,984.18. Plaintiff seeks an Order authorizing the FBI to turn over the funds in its possession owned by Defendant for purposes of partially satisfying Defendant's outstanding restitution obligation.

Pursuant to 18 U.S.C. § 3613(a), the United States is permitted to enforce a criminal judgment using the practices and procedures for enforcement of civil judgments under Federal or state law. The financial litigation unit of the United States Attorney's Office ("USAO") is responsible for collecting criminal penalty assessments, restitution, and fines. 18 U.S.C. § 3612(c)(1)-(3). Therefore, the USAO has the full responsibility for collecting the restitution obligation imposed against Defendant.

Once the Court enters judgment in a criminal case, a lien arises in favor of the United States against all of a Defendant's real and personal property. 18 U.S.C. § 3613(c). Hence, a lien arose against Defendant's property on the entry of this judgment.

Because the United States Government has a right to collect criminal judgments, and has a valid lien against all Defendant's real and personal property, any money being held by a government agency in which Defendant has a substantial interest is subject to the government's continuing interest in the satisfaction of that judgment.

Based upon the foregoing, the Government respectfully requests that this Court issue an Order authorizing the FBI to turn over to the United States of America any and all of the funds currently in its possession belonging to Defendant, Serghei Verlan, to be applied to the restitution obligation imposed against Defendant, made payable to the United States District Court Clerk, and sent to The United States District Court Clerk, 110 Potter Steward U.S. Courthouse, 100 East Fifth Street, Cincinnati, Ohio 45202.

Respectfully submitted,

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CERTIFICATE OF SERVICE

A true copy of the above and foregoing Plaintiff United States Of America's Motion For Order To Apply Monies Held By The Federal Bureau Of Investigation For Payment Of Restitution Judgment was electronically filed with the Clerk of the Court using the CM/ECF system and mailed to Defendant's last known address, Serghei Verlan, FCI Elkton, P.O. Box 129, Lisbon, Ohio 44432 by first class mail, postage prepaid, this 1st day of February, 2023.

s/Bethany J. Hamilton
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Assistant United States Attorney